

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Benjamin Stiles Mikell, Jr.,

Plaintiff,

v.

Kilolo Kijakazi, Acting Commissioner of the
Social Security Administration,¹

Defendant.

C/A No. 0:20-2393-PJG

ORDER

This matter is before the court on Plaintiff's motion for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"). (ECF No. 40); see 28 U.S.C. § 2412. The parties filed a joint stipulation on September 3, 2021 notifying the court that the parties had agreed to a compromise settlement in which Defendant agrees to pay Plaintiff \$8,500.00 in attorney's fees and \$400.00 in costs. (ECF No. 41.)

The court has reviewed the stipulation and finds the compromise settlement reasonable and authorized under applicable law. See Grisbrecht v. Barnhart, 535 U.S. 789, 796 (2002). Accordingly, it is

ORDERED that Plaintiff be granted attorney's fees pursuant to the EAJA in the amount of \$8,500.00 and costs be granted in the amount of \$400.00.² EAJA fees awarded by this court belong to Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). In the event Plaintiff has no present debt subject to offset and Plaintiff

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Kilolo Kijakazi is substituted as the named defendant because she recently became the Acting Commissioner of Social Security.

² Costs are paid from the Judgment Fund by the Department of the Treasury rather than by Agency funds. See 28 U.S.C. §§2412(c)(1).

has executed a proper assignment to Plaintiff's counsel, Defendant is directed to make the payment due to Plaintiff's counsel. If Plaintiff has no debt subject to offset and no proper assignment has been made by Plaintiff to counsel, Defendant is directed to make the check due pursuant to this Order payable to Plaintiff and delivered to Plaintiff's counsel.

IT IS SO ORDERED.

September 13, 2021
Columbia, South Carolina



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE